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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,734	01/30/2004	Won-Kyu Paik	2557-000217/US	9897
30593 7590 04/10/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
LUGO, DAVID B				
ART UNIT		PAPER NUMBER		
2611				
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04/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/767,734	Applicant(s) PAIK ET AL.
Examiner DAVID B. LUGO	Art Unit 2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 1-23
Claim(s) objected to: 25-27, 29, 31 and 33
Claim(s) rejected: 24, 28, 30, 32 and 34
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

/David B. Lugo/
Primary Examiner, Art Unit 2611

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Regarding Applicant's arguments that one of ordinary skill in the art would not be motivated to combine Gu and Kim because Gu teaches away from Kim, the Examiner respectfully disagrees. Gu does not disparage methods of symbol timing recovery prior to sync signal detection. Rather, the teachings of providing symbol timing recovery prior to sync signal detection is simply an alternate method of symbol timing recovery than that of Gu. As indicated in MPEP 2141.02.VI, which was cited by Applicant, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed." Accordingly, while Gu and Kim may teach alternate methods of symbol timing recovery, it is not believed that Gu teaches away from Kim.

Regarding Applicant's argument that attempting to combine Kim into Gu would change the principle operation of Gu, the Examiner respectfully disagrees. Gu is concerned with the detection of synchronizing signals in digital TV receivers (see abstract). Further, regardless of whether the sync signals are used in timing recovery, they must still be recovered as Kim states that the data segment sync signal and data field sync signal are detected, and various control signals are generated which are necessary in other elements by using the two sync signals (see Kim, para. 21, also see Gu, col. 2, lines 23-26). In the proposed combination, the providing of a switching unit to supply a selected one of a first and second input data signal to a control signal generator in a sync signal detection circuit, taught by Kim, would be incorporated in the sync signal detection circuit of Gu. The Examiner does not believe that combining the teachings of these two references in this way would change the principle operation of Gu of detecting synchronization signals, as Kim also discloses the detection of sync signals, and because the combination does not require the further inclusion of any elements of Kim which would change the operation of Gu. Further, since Gu does not disparage the teachings of Kim of performing symbol timing recovery prior to sync signal detection, one could envisage an embodiment where such timing recovery could be included in the system of Kim, without changing the sync signal detection of Kim illustrated in Figure 7, as the symbol timing recovery taught by Kim does not affect the operation of the sync signal detector.

Finally, Applicant states that the Examiner has mischaracterized the sync signal separator and control signal generator 500 of Kim "as sync signal generator circuit 500," and alleges that this undermines the arguments presented by the Examiner. In response, the Examiner notes that the sync signal separator and control signal generator 500 of Kim performs the function of sync signal separation and control signal generation. Similarly, Gu discloses a "sync signal detecting unit 720" which thus "detects" sync signals, while also disclosing that such sync signal detecting unit 720 also generates various control signals (see Fig. 7). The Examiner does not see how the usage of the term "sync signal generator circuit," which was just a shorthand description of the unit 720 of Kim, detracts from the functions performed by that unit, nor how it undermines the position taken by the Examiner in the rejection.